

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ELIZABETH GREENWALD, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:08CV1128 CDP
)	
PHILLIPS HOME FURNISHINGS,)	
INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

On February 3, 2009, I granted plaintiffs' motion for conditional certification and certified "a class consisting of all sales associates employed by defendant . . . at anytime from October 1, 2005 to the present date." In the original complaint, plaintiffs provided a narrower time frame, defining the potential class as sales persons who were employed by defendant at anytime from August 1, 2005 through December 31, 2006. Defendant has asked that I amend my Order and narrow the class definition to the dates set out in the complaint. Plaintiffs have asked for leave to file an amended complaint to conform with my Order. Plaintiffs' motion for leave is not opposed by defendant, and I find that granting leave is in the interest of justice. I will not award costs or attorneys fees, as requested by plaintiffs. Plaintiffs' First Amended Complaint is deemed filed as of

this date, and defendant is reminded of its responsibility to answer according to the Federal Rules.


Plaintiffs have also asked that I allow them to send corrective notice to potential class members because of an incorrect date in the original notice. The motion also asks that they be allowed to attempt further contact with potential class members whose notices were returned in the mail. Plaintiffs did not file a separate memorandum in support of this motion, but the motion sets out the reasons for this request. Defendant has asked that I require plaintiffs to file a memorandum in support of their motion, and have also asked for additional time to respond once the memorandum is filed. Because I find that plaintiffs' motion sufficiently sets out their argument and reasoning, I will not require plaintiffs to file an additional memorandum to support it. I will grant defendant's motion for additional time to respond, and defendant will have until **Thursday, April 2, 2009** to file a response to plaintiffs' motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for leave to file a first amended complaint [#22] is granted. The First Amended Complaint is deemed filed as of this date.

IT IS FURTHER ORDERED that defendant's motion to amend the Court's February 3, 2009 Order [#18] is denied.

IT IS FURTHER ORDERED that defendant's motion requesting additional time to respond to plaintiffs' motion to send corrective notice [#25] is granted in part and denied in part. Defendant will have until **Thursday, April 2, 2009** to respond to plaintiffs' motion.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of March, 2009.